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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,479	07/07/2000	Bruce H. Arnold	0001	8599

7590 06/17/2003
Michael J Bolan
16 Bristlecone
Irvine, CA 92620

EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/17/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/612,479

Applicant(s)
ARNOLD ET AL.

Examiner
REXFORD BARNIE

Art Unit
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 7, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

R. W. REXFORD BARNIE
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

Art Unit: 2643

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 18, 31 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabara (US Pat# 6,292,557).

Regarding claims 1 and 18, Gabara teaches a method of making a call wherein a function key can be activated (# and so forth, column 5 lines 12-16) thus recalling an area code which can be added to a dialed seven digit number and if the function key is not activated, automatically inserting an area code by default and if a number is a long distance call, it can be dialed in the conventional sense without having to recall the stored prefix (local area code) but might require

Art Unit: 2643

an additional digit possibly "1" different from the stored area code in (see col. 5 lines 1-11 and col. 6 lines 47-55). Note that dialing a long distance number does not always require a 1 digit number, a ten digit number can be used in completing a long distance such as in current cell phones and so forth. Furthermore, if a long distance number including a 1 is dialed, there would be no need to recall anything but to complete the call as dialed.

Regarding claim 31 and 45, see the explanation as set forth in the rejection of claim 1 because the claimed apparatus would perform the method steps.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-17, 19-30, 32-44 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabara (US Pat# 6,292,557) in view of Tomiyori (US Pat# 5,305,372) or Waldman (US Pat# 5,157,719).

Regarding claims 2-17, 19-30, 32-44 and 46-48, Gabara teaches being able to use an area code overlaying analysis means but fails to teach the claimed subject matter in detail. Tomiyori teaches a mobile unit with a speed dialing means wherein one can either use a speed dialing mode or a full dialing mode in (see disclosure). In the speed dialing mode, one can activate a function key which would cause a number including an area code and country code to be

Art Unit: 2643

retrieved in connection with a destination number as stored and in a full-dialing mode, dialing the number as dialed.

Waldman teaches an automatic area code dialing apparatus wherein an area code can automatically be added in addition to a dialed number and the dialing of a prefix digit can be used in determining what the status of a call is namely; a local or long distance call in (see col. 4 lines 45-55, cols. 7-9, col. 16 and so forth).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of (Tomiyori or Waldman) into that of Gabara thus making it possible to provide prefixes including local or long distance as means of activating a function key without having to dial an entire number thus saving time. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first prefix dialed (9, 1 and so forth) in determining the toll status of a call dialed for billing purposes and so forth.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to (703) 872-9314 and labeled accordingly (Please label **"PROPOSED/INFORMAL" or "FORMAL"**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Application/Control Number: 09/612,479

Page 5

Art Unit: 2643

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 306-0377.

Rexford Barnie
Patent Examiner
06/10/03

R. Barnie
REXFORD BARNIE
PRIMARY EXAMINER